IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 1409 of 2004(P)

PETITIONER:

SR.PHILOMINA JOHN, SEWING TEACHER,
ST.ANN'S GIRLS HIGH SCHOOL KOTTAYAM, RESIDING
AT PIUS X CONVENT HOSTEL, PARK LANE ROAD,
KOTTAYAM.

BY ADV. SRI.JOSE J.MATHAIKAL

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT, GENERAL EDUCATION (K)
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
OFFICE OF THE DIRECTOR OF THE PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM.

3. THE DDEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM.

4. THE ASSISTANT EDUCATIONAL OFFICER,
KURAVINLANGADU,
KOTTAYAM.

5. THE CORPORATE EDUCATIONAL AGENCY OF
SCHOOLS DIOCESE OF KOTTAYAM, CATHOLIC
BISHOP'S HOUSE, PB.NO.71, KOTTAYAM
REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.1409/2004)

EXT.P1: TRUE COPY OF CIRCULAR DT. 15/5/1990.

EXT.P2: TRUE COPY OF STAFF FIXATION ORDER DT. 14/8/1991.

EXT.P3: DO. DT. 14/7/2000.

EXT.P4: TRUE COPY OF GOVT. ORDER DT. 22/8/1989.

EXT.P5: TRUE COPY OF PROCEEDINGS DT. 10/7/2001.

EXT.P6: TRUE COPY OF REVISION PETITIN DT. 25/10/2002.

EXT.P7: TRUE COPY OF GOVT. ORDER DT. 1/10/2003.

EXT.P8: TRUE COPY OF GOVT. ORDER DT. 24/9/2003.

A.K. Basheer, J.

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W.P(C) No. 1409 of 2004

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Dated this the 13th day of July, 2007.

J U D G M E N T

Petitioner is a specialist teacher working in an aided school under the management of respondent No.5. Her grievance is that she has been denied salary for the period from July 15, 2001 till December 31, 2002. Learned counsel submits that Exts.P1, P5 and P7 orders are liable to be reviewed in the light of the retrospective amendment of Rule 6B of Chapter XXIII KER with effect from March 6, 1979 as could be seen from Ext.P9 notification.

2. However learned Govt. Pleader submits that petitioner will not be entitled to get the benefit of the above amendment. It is pointed out by the learned Govt. Pleader that in order to get the benefit of the above amendment there should have been atleast 500 students. Further, another junior teacher has been accommodated in the High school section, it is contended.

3. In my view these are all matters which have to be considered by the competent authority with reference to the relevant records. I do not propose to deal with those contentions at this stage. Therefore Ext.P7 is set aside. The Government shall reconsider the matter and take an appropriate decision in accordance with law after affording sufficient opportunity to the petitioner and the Manager to be heard. This shall be done as expeditiously as possible at any rate within 4 months from the date of receipt of a copy of this judgment.

The interim order passed by this Court shall remain in force till such time a decision is taken by the Government.

A.K. Basheer
Judge.

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